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Daniel M Chambers
Biotechnology Law Group
658 Marsolan Avenue
Solana Beach CA 92075

In re Application of
RUBASSAY
Application No.: 10/516,757
PCT No.: PCT/US03/09031
Int. Filing Date: 25 March 2003
Priority Date: 25 March 2002
Attorney Docket No.: GTI-1490-USN
For: MINIMIZING METAL TOXICITY
DURING ELECTROPORATION ENHANCED
DELIVERY OF POLYNUCLEOTIDES

DECISION
ON PETITION UNDER
37 CFR 1.137(b)

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

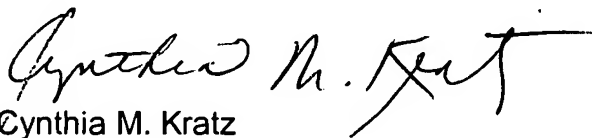
On 26 August 2005, a decision was mailed to applicant granting his petition to revive under 37 CFR 1.137(b) filed 04 December 2004 in the above-captioned application. For the reasons set forth below, the decision mailed on 26 August 2005 is hereby **VACATED**. The petition to revive under 27 CFR 1.137(b) filed on 04 December 2004 is **DISMISSED WITHOUT PREJUDICE**. The application remains **ABANDONED**.

Upon closer review of the application file and USPTO finance records, it noted that applicant did not pay the full basic national fee due upon the filing of a petition to revive. Applicant paid \$100, the basic national fee for an application where the international preliminary examination revealed that all claims satisfied provisions of PCT Article 33(1)-(4). However, in the instant case, there was no international preliminary examination report, satisfying the provisions of the Article. For the instant application, the application fee required upon entering the national stage was \$790, the basic national fee required where the U.S. acted in its capacity as International Searching Authority. Applicant did not provide a deposit account number or authorization to charge any additional fees to the deposit account.

Since applicant failed to pay the full basic national fee required with the petition to revive, the proper reply was not submitted. Thus, the petition to revive must be dismissed without prejudice and the application remains abandoned.

Applicant is advised to file a renewed petition to revive along with the appropriate basic national fee. Applicant is reminded that on 08 December 2004, the basic national fee under 37 CFR 1.492(a) was changed to \$300.

The application remains **abandoned**. The application will be held in the PCT Legal Office to await applicant's further reply.

A handwritten signature in black ink, appearing to read "Cynthia M. Kratz", with a long horizontal flourish extending to the right.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459